

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
BRANDON L HEITMANN

CHAPTER 13
CASE NO. 24-41956-MAR
JUDGE MARK A RANDON

Debtor _____ /

TRUSTEE'S SUPPLEMENTAL OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

Now Comes the Chapter 13 Trustee, KRISPEN S. CARROLL, and files her objections pursuant to E.D. Mich. LBR 3015-3(a) and opposes confirmation of the Chapter 13 Plan where it does not comply with Bankruptcy Code provisions, 11 U.S.C. §§ 1325, 1322, other applicable provisions of Title 11 Chapter 13 and Local Bankruptcy Rules, as follows:

1. Trustee objects to debtor's failure to attach a court-dated Matrix to the Certificate of Service of the 2nd Amended Plan.
2. Where debtor has failed to check a box in Class II.A. of the 2nd Amended Chapter 13 Plan regarding the Applicable Commitment Period and Plan Length, Trustee requires clarification in any Order Confirming Plan that **both** "shall be 60 months from the date of entry of the Order Confirming Plan."
3. As the debtor has checked the box in Section I.C. of the 2nd Amended Chapter 13 Plan indicating that the Plan does not include any "Avoidance of a security interest or lien," Trustee objects to debtor's treatment of Lafayette Credit Union and Connexus Credit Union in Class 3.2 as the treatment is void. Trustee requires that any Order Confirming Plan strike the treatment in Class 3.2.
4. Trustee requests that debtor clarify in any Order Confirming Plan that the vehicle being financed through AmeriCredit Financial Services, Inc. dba GM Financial treated in Class 5.1 is a 2019 Chevrolet Silverado 2500, not a 2019 GMC (Sierra) 2500.

5. Trustee objects to the added language in Class 5.5 of the 2nd Amended Chapter 13 Plan as the debtor seeks to surrender his interest in his residence, but then indicates that he is not surrendering his interest. Trustee requests that the added language be struck in the Order Confirming Plan.
6. Trustee objects to debtor's request to excuse plan payments in Section IV.B of the amended Plan as the language fails to specify the amount and further fails to set forth a good faith basis for the excusal. Debtor's Petition was filed on 2/29/2024 and as such his first plan payment to the Trustee was due on 3/30/2024. Debtor failed to make a payment until 5/28/2024. Debtor has failed to make his 8/30/2024 plan payment. Trustee questions why debtor's non-filing spouse's business is not honoring the Wage Order entered in this case on 3/18/2024 and further why debtor has not submitted a proposed stipulation to amend the Wage Order to be consistent with the amended Plan.
7. Trustee objects to debtor's failure to provide all disposable income pursuant to 11 U.S.C. § 1325(b)(1), where based upon the pay stubs provided, it appears debtor has understated the income disclosed on Amended Schedule I by \$1,908.00 per month (average). Trustee requires debtor to file an amended Schedule I and increase the best effort and plan payment accordingly.
8. Trustee objects to debtor's failure to provide all disposable income pursuant to 11 U.S.C. § 1325(b)(1), where based upon the pay stubs provided, it appears debtor has understated his non-filing spouse's income disclosed on Amended Schedule I by \$3,236.00 per month (average). Trustee requires debtor to file an amended Schedule I and increase the best effort and plan payment accordingly.
9. Trustee objects to the deduction for "Owners Draw" in the amount of \$1,645.13 from the Income Statement for the non-filing spouse's business as this income is not disclosed on the amended Schedule I and affects the net disposable income pursuant to 11

U.S.C. § 1325(b)(1).

Wherefore, the Chapter 13 Trustee prays this Honorable Court deny confirmation of the debtor's Chapter 13 Plan and for other and further relief as the Court deems appropriate, including dismissal.

Dated: September 04, 2024

OFFICE OF THE CHAPTER 13 TRUSTEE -DETROIT
KRISPEN S. CARROLL, CHAPTER 13 TRUSTEE

/s/ KRISPEN S. CARROLL-mcs

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CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, I electronically filed TRUSTEE'S SUPPLEMENTAL OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

ROBERT N BASSEL
P O BOX T
CLINTON, MI 49236

September 04, 2024

/s/ Shannon Horton

SHANNON HORTON

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